

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE:)	CHAPTER 13
)	
SUSAN GREEN- DOUGHERTY,)	
)	
Debtor)	CASE NO.: 17-13871-AMC
~~~~~	)	
CAPITAL ONE AUTO FINANCE	)	<b><u>HEARING DATE:</u></b>
A DIVISION OF CAPITAL ONE, N.A.,	)	Tuesday, June 26, 2018
Movant	)	11:00 a.m.
vs.	)	
	)	<b><u>LOCATION:</u></b>
SUSAN GREEN- DOUGHERTY,	)	U.S. Bankruptcy Court
Respondent	)	Eastern District of Pennsylvania
and	)	Courtroom #5
WILLIAM C. MILLER,	)	900 Market Street
Trustee	)	Philadelphia, PA 19107

**MOTION FOR RELIEF FROM AUTOMATIC STAY**

AND NOW, comes the above-captioned Movant, Capital One Auto Finance, a division of Capital One N.A., by and through their attorneys, Mester & Schwartz, P.C., who files this Motion based upon the following:

1. The Movant is a corporation having a principal place of business located at 7933 Preston Road, Plano, Texas 75024.
2. The Respondent Susan Green-Dougherty is an individual who resides at 12610 Ramer Road, Philadelphia, Pennsylvania, who has filed a Petition under Chapter 13 of the Bankruptcy Code.
3. On or about December 20, 2014, Debtor entered into a Retail Installment Sale Contract ("Contract") involving a loan in the amount of \$13,280.32 for the purchase of a 2012 HYUNDAI Santa Fe-4 Cyl. Utility 4D GLS AWD ("vehicle").
4. The vehicle secured has V.I.N. 5XYZGDAB3CG145414.

5. The Movant is the assignee of the Contract.
6. The above - described vehicle is encumbered by a lien with a principal balance in the amount of \$8,088.14 plus other appropriate charges through May 29, 2018, though subject to change. The regular monthly payment is \$215.00 at the interest rate of 5.11%.
7. The priority of the lien is first priority.
8. Applying the most recent payments received to the earliest payments owed, post-petition payments have been missed totaling \$1,465.00, plus all applicable late charges through May 29, 2018 though subject to change.
9. The adjusted retail value of the vehicle in question is \$10,575.00.
10. The vehicle is not necessary to an effective reorganization.
11. The Movant is the only lienholder of record with regard to the vehicle.
12. In order to proceed with repossession and liquidation of the vehicle, relief from the automatic stay must be obtained.
13. The vehicle is a rapidly depreciating asset. Movant requests the waiver of Rule 4001 (a) (3).
14. The Movant has incurred \$481.00 in attorney's fees and costs with respect to this motion for relief.

WHEREFORE, Movant prays for Your Honorable Court to enter an Order permitting the Movant to proceed with the repossession proceedings of the aforementioned vehicle.

Respectfully submitted,

MESTER & SCHWARTZ, P.C.

BY: /s/ Jason Brett Schwartz  
Jason Brett Schwartz, Esquire  
Attorney for Movant  
1333 Race Street  
Philadelphia, PA 19107  
(267) 909-9036